



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Lane B. Ramsey, County Administrator,
Administration
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department

Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Administrative Secretary,
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Rebecca T. Dickson, Director,
Budget and Management Department
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Mr. Craig S. Bryant, Director,
Utilities Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration
Mr. John Frith, Audio/Visual Technician, General Services
Department

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, Gulley, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.

- B. **Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. **Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. **Plans and Information Section Update.**
- E. **Work Program – Review and Update.**
- F. **Consideration of the following Administrative Substantial Accord Determination:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0359 Matoaca	Nextel Communications of Mid Atlantic	Substantial Accord Determination	VA 1084 K Commonwealth Center
G.	Proposed Ordinance Amendment relative to Incidental Check Cashing Services.		
H.	Discussion of Changes to Public Notice Requirements.		
I.	Adjournment.		

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission amended the agenda to add a new Item I., Discussion Relative to Cluster Design Standards – Garage Orientation and reordered the agenda accordingly.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.
ABSENT: Mr. Litton.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming agenda requests for the July 19, August 16, September 20 and October 18, 2005, Planning Commission meetings.

Mr. Litton returned to the meeting.

C. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendation for, Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to be considered at the 3:00 p. m. Afternoon Session.

Mr. Lane Ramsey, County Administrator; Ms. Rebecca Dickson, Director of Budget and Management; Mr. John McCracken, Director of Transportation; and other County staff were present to address the proposal for financing the Charter Colony/Powhite Parkway Interchange relative to Case 05PS0144, Riverstone Properties, LLC (Centerpointe).

Mr. Turner presented an overview of, and staff's recommendations for, two (2) Historic Landmark Designation requests to be considered at the 7:00 p. m. joint session of the Planning Commission and Historic Preservation Committee.

Ms. Rogers presented an overview of the Commission's pending caseloads for the upcoming months and presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

Mr. Allen presented an overview of, and staff's recommendation for, the proposed Code Amendments relative to setback requirements in Industrial Districts, scheduled for the 7:00 p. m. Evening Session.

Mr. McElfish presented an overview of, and staff's recommendation for, the proposed Code Amendment relating to the number of building permits issued prior to acceptance of streets into the State System.

Mr. Flanigan presented an overview of, and staff's recommendation for, the proposed Code Amendment relative to the Chesapeake Bay Preservation Act requirements of the Zoning Ordinance.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Fassett updated the Commission as to the status of pending projects relative to the Upper Swift Creek and Northern Courthouse Road Plan and noted the Affordable Housing Task Force Committee was scheduled to meet on June 29, 2005.

E. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their July 2005 Work Program, as presented by Mr. Turner.

F. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0359 Matoaca	Nextel Communications of Mid Atlantic	Substantial Accord Determination	VA 1084 K Commonwealth Center

Mr. Bass stated he was a retired employee of Virginia Dominion Power, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 1:32 p. m.

Mr. Turner presented an overview of the request and staff's recommendation.

No one came forward in support of, or opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission confirmed the Director of Planning's decision that the proposed public facility (communications tower) for Case 05PD0359, Nextel Communications of Mid Atlantic, was consistent with the Comprehensive Plan.

AYES: Messrs. Litton, Wilson, Gulley and Gecker.

ABSENT: Mr. Bass.

Mr. Bass returned to the meeting at approximately 1:34 p. m.

G. PROPOSED ORDINANCE AMENDMENT RELATIVE TO INCIDENTAL CHECK CASHING SERVICES.

Mr. Schlaudt presented an overview of the proposed Code Amendment relative to Incidental Check Cashing Services, requesting the Commission schedule a public hearing on July 19, 2005.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the Commission set the date of, and requested staff advertise, July 19, 2005, at 7:00 p.m., for a public hearing to consider the proposed Code Amendment relative to Incidental Check Cashing Services.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

H. DISCUSSION OF CHANGES TO PUBLIC NOTICE REQUIREMENTS.

Mr. Robinson presented an overview of proposed Ordinance Amendments relative to Public Notice Requirements, requesting the Commission schedule a public hearing on July 19, 2005.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Gecker, that the Commission set the date of, and requested staff advertise, July 19, 2005, at 7:00 p.m., for a public hearing to consider the proposed Ordinance Amendments relative to Public Notice Requirements.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

I. DISCUSSION RELATIVE TO CLUSTER DESIGN STANDARDS – GARAGE ORIENTATION.

Upon conclusion of the discussion, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the Commission scheduled discussion relative to Cluster Design Standards – Garage Orientation at their July 19, 2005, Work Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

J. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the Commission adjourned the Work Session at approximately 1:58 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the May 17 and May 26, 2005, Planning Commission minutes.

♦ **MAY 17, 2005, PLANNING COMMISSION REGULARLY SCHEDULED MEETING MINUTES.**

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to approve the May 17, 2005, Planning Commission regularly scheduled meeting minutes, with the following corrections:

Page 6, Paragraph 11

"On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to approve the April 19, 2005, Planning Commission regularly scheduled meeting minutes, as written.

Page 6, Paragraph 14

"On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to approve the April 21, 2005, Planning Commission special meeting minutes, with the following correction:"

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **MAY 26, 2005, PLANNING COMMISSION SPECIAL MEETING MINUTES.**

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to approve the May 26, 2005, Planning Commission special meeting minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **DEFERRALS.**

05TS0239: In Clover Hill Magisterial District, **R. C. WHEELER CONSTRUCTION** requested deferral to August 16, 2005, of consideration for tentative subdivision approval, per Condition 9 of zoning Case 04SN0319. This development is commonly known as **BOXWOOD**. This request lies in a Residential (R-12) District on 6.8 acres fronting approximately 260 feet on the west line of South Providence Road, approximately 790 feet north of Scottingham Drive. Tax IDs 758-702-2534 and 7625 (Sheet 7).

Mr. Joe Faudale, the applicant's representative, requested deferral of Case 05TS0239 to August 16, 2005.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to defer Case 05TS0239, R. C. Wheeler Construction (Boxwood), to the August 16, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

05PR0324: In Clover Hill Magisterial District, **COLLEGIATE ACQUISITIONS** requested Planning Commission approval of a site plan for a two (2) story office building, as required by zoning Case 03SN0243. This project is commonly known as **BRANCH POINT OFFICE PARK**. This request lies in a Corporate Office (O-2) District on a four (4) acre parcel lying approximately 310 feet off the north line of Hill Street Road, west of Harbour View Court. Tax ID 727-673-1442 (Sheet 15).

Ms. Michele Carter, the applicant's representative, accepted staff's recommendation.

When asked, two (2) individuals indicated opposition to the request, therefore, the consensus of the Commission was to place Case 05PR0324 with those cases requiring discussion.

05PW0355: In Midlothian Magisterial District, **BON AIR CHRISTIAN CHURCH** requested a waiver to County standards for paving and curb and gutter for off-street parking. Specifically, the applicant requests relief from Section 19-514(d)(1) requiring paved surfaces and curb and gutter for parking areas. This project is commonly known as **BON AIR CHRISTIAN CHURCH**. This request lies in a Residential (R-15) District on 2.13 acres fronting approximately 250 feet on the east line of Buford Road, 192 feet on the south line of Hazen Street and located in the southeast quadrant of the intersection of these roads. The project also fronts approximately 309 feet on the west line of Logan Street approximately 122 feet on the north line of Rockaway Road and is located in the northwest quadrant of the intersection of these roads. Tax IDs 756-716-1549, 1938, 3841 and 4627 (Sheet 3).

Ms. Shea Hollifield, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission found Case 05PW0355, Bon Air Christian Church (Bon Air Christian Church), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-514(d)(1) of the Zoning Ordinance requiring paving and curb and gutter for off-street parking areas, subject to the following conditions which were listed as notes in the "Request Analysis:"

CONDITIONS

1. A site plan must be submitted and approved for the "overflow parking" and any additional parking areas based on the plan submitted with the application.
2. Parking areas must be defined with bumper blocks, fencing or another method approved by Planning Staff.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Turner recalled Case 05PR0324, Collegiate Acquisitions (Branch Point Office Park).

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

05PR0324: In Clover Hill Magisterial District, **COLLEGIATE ACQUISITIONS** requested Planning Commission approval of a site plan for a two (2) story office building, as required by zoning Case 03SN0243. This project is commonly known as **BRANCH POINT OFFICE PARK**. This request lies in a Corporate Office (O-2) District on a four (4) acre parcel lying approximately 310 feet off the north line of Hill Street Road, west of Harbour View Court. Tax ID 727-673-1442 (Sheet 15).

Mr. Allen presented an overview of the request and staff's recommendation.

Ms. Michele Carter, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Mr. Frank Angus, an adjacent property owner representing the Watch Hill neighborhood, and Mr. Ryland Remey, a Brandermill resident and member of the Brandermill Board of Directors, voiced opposition to the request, expressing concerns relative to the inappropriateness of the proposed building orientation, noise and light pollution impacting adjacent communities, inadequate buffers and requested the fence height to screen the development from adjacent properties be increased from five (5) feet to eight (8) feet.

There being no one else to speak, Mr. Litton closed the public comment.

Ms. Carter stated only ten (10) units in the development were oriented toward the neighborhood and the five (5) foot fence was sufficient to mitigate the impact of vehicle headlights.

There was discussion relative to slope, elevation impact and grade changes generated by the proposal.

Mr. Gulley stated he had been unable to attend the community meetings due to a family emergency and inquired if the applicant would be willing to defer the request to allow him an opportunity to visit the site to view the grade elevation changes.

Mr. Orlandus Branch, representing Collegiate Acquisitions, stated he had met with the neighborhoods on more than one (1) occasion in an effort to resolve their concerns, felt the five (5) foot fence was more than adequate to address concerns regarding light pollution and indicated that, with the accommodations and improvements provided to resolve residents' concerns, he preferred not to defer the request.

Mr. Gulley stated he understood Mr. Branch's position; however, he would like the opportunity to visit the site to review the grade elevation changes to satisfy himself that the changes would not adversely impact the neighborhoods and would defer the request on his own motion.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 05PR0324, Collegiate Acquisitions (Branch Point Office Park), to the July 19, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05PS0144:* (Amended) In Matoaca Magisterial District, **RIVERSTONE PROPERTIES, LLC** requested schematic plan approval. This project is commonly known as **CENTERPOINTE**. This request lies in Residential (R-7), Corporate Office (O-2) and Community Business (C-3) Districts on a 748.3 acre parcel fronting in two (2) places for a total of approximately 4,400 feet on the north line of Powhite Parkway and along the east and west lines of Route 288. Tax IDs 724-693-6630; 724-694-5390; 726-694-Part of 0343 and 8763; 726-695-Part of 0706, 3178 and 7906; 726-697-4349; 727-698-7803; 728-695-2429 and 8731; 728-697-2424; 729-696-0058; 731-696-2505; 732-694-0332; and 733-695-1700 (Sheets 5, 9 and 10).

Ms. Peterson presented an overview of the request and staff's recommendation, noting the County Administrator had drafted a proposal for the funding of the Centerpointe Parkway/Powhite Parkway Interchange that was tentatively scheduled for the Board of Supervisors' consideration in August. She stated based upon the proposal, staff now recommended approval of the schematic plan request subject to three (3) conditions; however, if the County Administrator's proposal was not ultimately approved, Condition 2 still required funding to be committed for the interchange prior to further development.

Mr. John V. Cogbill, III, the applicant's representative, accepted staff's recommendation and expressed appreciation to all those involved in resolving the interchange issue.

Mr. Litton opened the discussion for public comment.

Mr. Bill Johns, an adjacent property owner, expressed concerns relative to the residential component of the proposed development encroaching on adjacent properties, stating specifically, he supported the orientation of the proposed lots toward Coalfield Road and closure of Coalfield Road as a cul-de-sac to

preclude cut-through traffic. He further asked that he be included in the Tentative Subdivision Plan discussions.

Mr. Gary Gallagher, an adjacent property owner, stated he was generally supportive of the proposed development but expressed concerns relative to the timing of the construction of the Powhite/Charter Colony Parkway Interchange.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Ramsey presented an overview of, and answered questions, relative to the financial proposal for the funding of the Centerpointe Parkway/Powhite Parkway Interchange.

There was discussion relative to density; the location of the school site to be dedicated to the County as required by conditions of zoning; transportation improvements; modifications to Conditions 2.b., 3 and the addition of Condition 4; and other concerns.

Mr. Chuck Rothenberg, representing Bon Secours, stated his client was seeking a mechanism to extricate their property from the school site property so as to not hamper the progress of development on the Bon Secour property.

The Commission recessed at approximately 4:07 p. m.

The Commission reconvened at approximately 4:28 p. m.

Mr. Bass stated he was pleased to have Bon Secours in the County, wished them much success, expressed appreciation to Mr. Ramsey, the Board of Supervisors and staff for their assistance in resolving transportation issues and made a motion to recommend approval of Case 05PS0144 with modifications to Conditions 2.b and 3 and the addition of Condition 4, which he read.

In response to a question from Mr. Gecker, Mr. Bass stated he was amenable to revising Condition 4, as suggested by Mr. Gecker.

Mr. Gecker seconded the motion.

Staff suggested modification of Condition 1 to include the language, "Except as stated herein."

The Commission accepted staff's suggested modification to Condition 1; however, Mr. Cogbill did not.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved that approval for Case 05PS0144, Riverstone Properties, LLC (Centerpointe), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. Except as stated herein, the plan entitled "Schematic Plan CenterPointe", dated April 26, 2005, and prepared by Higgins & Gerstenmaier, shall be considered the Schematic Plan.
(P)

2. Transportation.

- a. Prior to any site plan or tentative subdivision plan approval, except for site plans for any public facility, a financing plan and construction schedule, acceptable to the Transportation Department, as generally outlined in the "Proposal for Financing the Charter Colony Parkway/Powwhite Parkway Interchange" dated June 20, 2005, shall be submitted and approved.
 - b. All other road improvements and right of way dedications required by Zoning Case 88SN0059 shall be provided in accordance with the "Transportation Department - CenterPointe Phasing Plan for required right of way dedications and road improvements" dated June 21, 2005.
 - c. Access for the property shall be as identified on the schematic plan for CenterPointe prepared by Higgins and Gerstenmaier, revision dated April 26, 2005 (the "Schematic Plan"). The exact location of these accesses and any modifications shall be approved by the Transportation Department. (T)
3. Within sixty (60) days of request by the County or prior to any subdivision or site plan approvals whichever occurs first, in an area bounded by CenterPointe Parkway Extended, Brandermill Parkway Extended, Powwhite Parkway and Tomahawk Creek, a total of thirty-six (36) acres shall be dedicated free and unrestricted to Chesterfield County for public facility use in an area bounded by CenterPointe Parkway Extended, Brandermill Parkway Extended, Powwhite Parkway and Tomahawk Creek. The exact boundaries of this land dedication shall be approved by the County. Any delay in land dedication within these boundaries shall not delay approval of site or subdivision plans within the remainder of the development. (P)
4. The tentative subdivision plan for development of Tracts 10A and 10B shall be submitted to the Planning Commission for review and approval for the purpose of evaluating and mitigating the traffic impact of the residential development on Queensmill Subdivision. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

◆ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to meet for dinner Topeka's Steakhouse 'N Saloon at 5:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. ADJOURNMENT.

At approximately 4:36 p. m., it was on motion of Mr. Wilson, seconded by Mr. Bass, that the Commission adjourned the Afternoon Session, agreeing to meet at 5:00 p. m. for dinner at Topeka's Steakhouse 'N Saloon.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

JOINT PLANNING COMMISSION/HISTORIC PRESERVATION COMMITTEE PUBLIC HEARING.

At approximately 7:00 p. m., Mr. Litton, Chairman of the Planning Commission, called the joint Planning Commission and Historic Preservation Committee public hearing to order. He explained the Commission and Preservation Committee were considering two (2) requests for historic landmark designation.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. John V. Cogbill, III led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures relating to the Planning Commission/Historic Preservation Committee's consideration of historic landmark designations and called the following requests for consideration as an historic landmark designation:

D. HISTORIC LANDMARK DESIGNATION REQUESTS.

◆ ◆ ◆

05HP0289: In Bermuda Magisterial District, **KEITH COLE** requested historic landmark designation and amendment of the zoning district map for the **HOME ECONOMICS COTTAGE**. The Comprehensive Plan suggests the property is appropriate for mixed use (neighborhood office and single family residential uses from 1-1.5 units per acre). This request lies in a Residential (R-7) District on 0.37 acre and is known as 3909 West Hundred Road. Tax ID 790-655-8954 (Sheet 26).

◆ ◆ ◆

05HP0301: In Bermuda Magisterial District, **CRYSTAL MONROE** requested historic landmark designation and amendment of the zoning district map for the **POINT OF ROCKS HOUSE**. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 dwellings per acre or less. This request lies

in an Agricultural (A) District on 10.0 acres and is known as 1011 Point of Rocks Road. Tax ID 820-641-8483 (Sheet 34).



The Planning Commission and Historic Preservation Committee held a joint public hearing to consider historic landmark designation for Cases 05HP0289, Keith Cole (Home Economics Cottage) and 05HP0301, Crystal Monroe (Point of Rocks House). (Note: See separate set of minutes of joint public hearing dated June 21, 2005).

There being no further business to come before this joint session, the meeting adjourned at approximately 7:10 p.m. and the Commission recessed to allow preparations to continue their regular meeting to consider zoning recommendations.

Reconvening:

Mr. Litton called the meeting to order, noting anyone present interested in Case 04SN0303, Fairweather Investments, LLC and Highlands West, LLC, may wish to know the applicant was requesting deferral to the August 16, 2005, Planning Commission meeting.

PLANNING COMMISSION EVENING SESSION MEETING

Mr. Litton stated, at this time, the Commission wished to recognize Ms. Joan L. Salvati, Administrator of Water Quality in the Environmental Engineering Department, who, having provided fourteen years of quality service to the citizens of Chesterfield County, was the new Director of the Division of Chesapeake Bay Local Assistance with the Virginia Department of Conservation and Recreation.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission adopted the following resolution:

RESOLUTION RECOGNIZING MS. JOAN L. SALVATI, ADMINISTRATOR, CHESTERFIELD COUNTY WATER QUALITY DEPARTMENT.

WHEREAS, Ms. Joan Salvati, previously the Administrator of the Chesterfield County Office of Water Quality, having provided fourteen years of quality service to the citizens of Chesterfield County, is the new Director of the Division of Chesapeake Bay Local Assistance with the Virginia Department of Conservation and Recreation; and

WHEREAS, Ms. Salvati faithfully served as Chesterfield County's Environmental Coordinator between 1991 and 2005; and

WHEREAS, Ms. Salvati was author of the Chesterfield County Water Protection Plan, an adopted element of the County's Comprehensive Plan; and

WHEREAS, Ms. Salvati developed Swift Creek Reservoir Watershed Management Plan and Maintenance Program; and

WHEREAS, Ms. Salvati developed and managed a comprehensive monitoring and management program to conform to the Clean Water Act; and

WHEREAS, Ms. Salvati guided the County's Watershed Management Committee which resulted in the establishment of a phosphorous "cap" for Swift Creek Reservoir and a strict phosphorous runoff standard for residential uses; and

WHEREAS, Ms. Salvati drafted significant amendments to the Erosion and Sediment Control Ordinance and the Chesapeake Bay Preservation Act Ordinance; and

WHEREAS, Ms. Salvati provided leadership for local, regional and state water quality initiatives and policy development, participating on numerous State advisory committees to develop regulations and policies regarding wetlands, perennial flow determinations, grant programs, the expansion of the Chesapeake Bay Preservation Act and other environmental programs; and

WHEREAS, Ms. Salvati managed the development and implementation of many education and outreach programs with citizens groups; and

WHEREAS, Ms. Salvati proposed amendments to the State Erosion & Sediment Control Law to require contractors to become certified; participated in the amendment of the State stormwater management law; established improved processes for the enforcement of Resource Protection Area guidelines; and developed education and outreach materials regarding Chesapeake Bay Preservation Act areas; and

NOW, THEREFORE, BE IT RESOLVED, that the **CHESTERFIELD COUNTY PLANNING COMMISSION**, this **21st DAY OF JUNE 2005**, publicly recognizes **MS. JOAN L. SALVATI** and extends, on behalf of its members and the citizens of Chesterfield County, appreciation for her service to the County, congratulations upon her new position and best wishes at the Division of Chesapeake Bay Local Assistance.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to **MS. SALVATI** and that this resolution be permanently recorded among the papers of the **PLANNING COMMISSION OF CHESTERFIELD COUNTY**.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Members of the Commission expressed their appreciation to Ms. Salvati for her professional commitment, conscientiousness and dedication to the service of Chesterfield County, her patience and willingness to give her time and service in support of the Commission and County citizens to assist them in whatever task they endeavored and wished her success and happiness in her future endeavors.

Ms. Salvati expressed appreciation for the recognition and the opportunity to have worked with the Planning Commission, County staff and citizens, noting her tenure had been an enjoyable, educational and rewarding experience.

A. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting the July 19, 2005, agenda was comprised of fourteen (14) cases; the August 16, 2005, agenda was comprised of thirteen (13) cases, the September 20, 2005, agenda was comprised of ten (10) cases and the October 18, 2005, agenda was comprised of seven (7) cases.

B. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission amended the agenda to move Case 05SN0254, Steven M. Uphoff to the end of the agenda.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

D. DEFERRED ITEM – ACTION ON THE FOLLOWING CODE AMENDMENT.

◆ **SETBACKS IN INDUSTRIAL DISTRICTS.**

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An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-185, 19-192, 19-195, 19-199 and 19-523 of the Zoning Ordinance. These amendments would delete the setbacks required by the Zoning Ordinance for Industrial (I-1, I-2 and I-3) zoned districts located adjacent to an Agricultural (A), Residential (R), Residential-Townhouse (R-TH) or Multifamily Residential (R-MF) zoning district and, further, would delete the setbacks required when an I-3 District is located adjacent to any Office (O), Commercial (C) or Industrial (I-1) District. The amendments would also add buffer requirements for I-1, I-2 and I-3 Districts when located next to an Agricultural (A) District that encompasses an existing residential use or that is planned for future residential uses in the County's Comprehensive Plan. The amendments would also make a non-substantive change to Section 19-195 by deleting a cross-reference and adding language substantively identical to the cross-reference.

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Mr. Turner stated a public hearing on the Code Amendments to Industrial Zoning Districts relative to setbacks and buffers from other zoning districts was held and closed at a previous session of the Planning Commission, with action deferred to this date.

Mr. Wilson made a motion to recommend approval of Sections 19-185, 19-192, 19-195, 19-199 and 19-523 of the Zoning Ordinance.

Mr. Gulley seconded the motion for discussion, noting he could not support inclusion of the Industrial (I-1) District modification.

There was discussion relative to the various elements of the proposed Code Amendment, upon conclusion of which Mr. Wilson withdrew his motion and Mr. Gulley withdrew his second.

Mr. Wilson made a substitute motion, seconded by Mr. Gulley, that the Commission recommend approval of amendments to Sections 19-192, 19-195, 19-199 and 19-523 but not amendments to Section 19-185 of the Zoning Ordinance and forwarded the proposed Amendment to the Board of Supervisors, as follows:

(1) That Sections 19-185, 19-192, 19-195, 19-199 and 19-523 of the Code of the County of Chesterfield, 1997, be amended and re-enacted to read as follows:

Sec. 19-185. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the I-1 District.

- (a) All uses, including storage, shall be conducted entirely within an enclosed building, except for accessory parking, loading and unloading facilities, and vehicle storage as allowed per section 19-181(j).
- (b) The uses permitted in this district shall be those uses which are dependent upon raw materials first processed elsewhere.
- ~~(c) In addition to any other requirement of this chapter, and except where adjacent to a railroad, the uses permitted in this district, plus any accessory uses, shall be located at least 100 feet from any A, R, R TH or R MF District, subject to section 19-500.~~
- ~~(d)~~ (c) Loading areas shall be oriented away from any existing R, R-TH or R-MF District or property currently zoned agricultural and shown on the comprehensive plan for residential use.

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Sec. 19-192. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the I-2 District.

- (a) The uses permitted in this district are those uses which are dependent upon raw materials first processed elsewhere.
- ~~(b) In addition to any other requirement of this chapter, and except where adjacent to a railroad, the uses permitted in this district, plus any accessory uses, shall be located at least 200 feet from any A, R, R TH or R MF District, subject to section 19-500.~~

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Sec. 19-195. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-3 District, subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

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(c) Junkyards provided that:

- (1) Such use is set back at least 100 feet from rights-of-way, 200 feet from any O, C or I-1 District and 300 feet from any A, R, R-TH, or R-MF District, subject to section 19-500 and adjacent properties, except as provided in section 19-199.

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Sec. 19-199. Required conditions. Reserved.

~~In addition to any other requirements of this chapter, and except where adjacent to a railroad, the uses permitted in the I-3 District, plus any accessory uses, shall be located at least 300 feet from any A, R, R-TH or R-MF District and at least 200 feet from any O, C or I-1 District, subject to section 19-500.~~

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Secs. 19-523. Buffer width matrix.

The required width of buffers shall be determined from the following matrix. The left column of the matrix represents the zoning of the lot on which the buffer must be provided and the top column of the matrix represents the zoning district of property contiguous to the zoning lot. The interior numbers in the matrix represent the width in feet of the required buffer on the zoning lot. However, whenever the primary use on a parcel zoned O, C or I is a single family residential subdivision, adjacent parcels shall be required to apply the buffer matrix below as though the property is residentially zoned.

BUFFER WIDTH MATRIX

TABLE INSET:

	A*	R-7/88 R-TH/R-MF MH Districts
A*	+	+
R-7/88	+	+
R-TH/R-MF	+	50**
MH Districts	+	50**
O-1	+	40
O-2	+	50
C-1	+	40
C-2	+	50
C-3	+	75
C-4	+	75
C-5	+	100
I-1	+ <u>50</u>	50
I-2	+ <u>(75)</u>	75
I-3	+ <u>(100)</u>	100

*Note: In all zoning districts except Industrial zoned districts, B buffers are only required adjacent to property zoned "A" when the property is vacant and its designation on the comprehensive plan is for residential uses. Property zoned I-1 through I-3 requires a buffer when adjacent to property zoned "A" that is occupied by a residential use or the property is designated on the comprehensive plan for residential uses.

**Note: Where property zoned R-7 through R-88 is adjacent to property zoned R-TH, R-MF, or MH, a buffer shall be required on the R-TH, R-MF, or MH property. No buffers are necessary between any single-family residential districts unless required by the board of supervisors, planning commission (modification to development standards and requirements only) or board of zoning appeals.

(2) *That this ordinance become effective immediately upon adoption.*

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **REQUESTS FOR DEFERRAL BY APPLICANT.**

05SN0249: In Midlothian Magisterial District, **ASC LAND CORPORATION** requested deferral to August 16, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) with Conditional Use to permit recreational facilities. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 dwelling per acre or less. This request lies on 30.0 acres fronting approximately 350 feet on the north line of Robious Road approximately 330 feet west of Kings Farm Drive. Tax ID 726-727-8858 (Sheet 1).

Mr. Brian Bowe, the applicant's representative, requested deferral to the August 16, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0249 to the August 16, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0224:* In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to October 18, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Mr. Jim Theobald, the applicant's representative, requested deferral to the October 18, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0224 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0303:* In Matoaca Magisterial District, **FAIRWEATHER INVESTMENTS, LLC AND HIGHLANDS WEST, LLC** requested deferral to August 16, 2005, of consideration for Conditional Use and amendment of zoning district map to permit a private waste treatment facility on 30 acres of a 1,430 acre parcel. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in a Residential (R-88) District fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for approximately 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-Part of 6377 (Sheets 33 and 40).

Mr. John V. Cogbill, III, the applicant's representative, requested deferral to the August 16, 2005, Planning Commission public hearing.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0303 to the August 16, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0235:* In Midlothian Magisterial District, **DOUGLAS R. SOWERS** requested deferral to October 18, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 89.2 acres fronting approximately 1,770 feet on the west line of County Line Road approximately 650 feet north of Mt. Hermon Road. Tax ID 702-700-5944 (Sheet 4).

Mr. Jim Theobald, the applicant's representative, requested deferral to the October 18, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0235 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SN0214: In Matoaca Magisterial District, **BRACKEN LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 107.5 acres fronting approximately 1,000 feet on the north line of Graves Road approximately 400 feet east of River Road; also fronting approximately 2,300 feet on the east line of River Road approximately 150 feet north of Graves Road. Tax IDs 755-622-8744 and 9225; and 756-620-2777 (Sheet 40).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Dennis Doyle, a resident of River Road, stated he felt additional public meetings were necessary prior to a decision being made by the Commission.

Mr. Wilford Mann, a resident of River Road, voiced opposition to the request and expressed concerns relative to the ingress/egress planned for the proposed development being located directly across from his driveway. He further noted limited sight distance at the River Road/Graves Road intersection, increased traffic volumes generated by the proposed development and hazardous road conditions that could result in potential accidents.

Mr. Bass stated he understood area residents' concerns relative to the existing area road conditions but noted there were ongoing discussions to improve area roads and benefit the communities.

Mr. Bass made a motion to recommend approval of Case 05SN0214 and accept the following proffered conditions. His motion was seconded by Mr. Wilson.

PROFFERED CONDITIONS

1. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.

- C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
2. The maximum density of this development shall not exceed fifty five (55) lots. (P)
 3. Manufactured homes shall not be permitted. (P)
 4. The minimum gross floor area for one story dwelling units shall be 1800 square feet and dwelling units with more than one story shall have a minimum gross floor area of 2000 square feet. (P)
 5. The developer shall be responsible for notifying by registered, certified or first class mail, any immediate adjacent owners of the submission of any tentative subdivision plans for the development. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent. (P)
 6. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
 7. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
 8. To minimize the effect by the development on the small offsite pond (TAX ID 758-620-3286), all impervious areas shall drain (to the maximum extent practical) away from the pond, as approved by the Department of Environmental Engineering. (EE)
 9. Direct access from the property to River Road and to Graves Road shall be limited to one (1) public road onto each roadway. The exact location of these accesses shall be approved by the Transportation Department. (T)
 10. The existing driveway that serves Tax ID #755-622-9225 shall be permitted to remain. This shall not preclude the ability for any improvements to or the relocation of said driveway. (T)
 11. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the east side of River Road and thirty-five (35) feet of right-of-way along the north side of Graves Road, measured from the centerlines of that part of the roadways immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 12. To provide an adequate roadway system, the developer shall be responsible for the following improvements:

- A. Construction of additional pavement along River Road at the approved access to provide a right and left turn lanes, if warranted, based on Transportation Department standards.
 - B. Construction of additional pavement along Graves Road at the approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - C. Widening/improving the east side of River Road and the north side of Graves Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - D. Clearing/grading in the southwestern corner of the property to provide adequate sight distance for drivers traveling northbound on River Road, as determined by the Transportation Department at time of construction plan review.
 - E. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 12, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
13. At a minimum the following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:
- a. No lots shall be used except for single-family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed three stories in height and one private garage.
 - b. Only one residence shall be erected or placed on a single lot, and no lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

- c. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereof which may become an annoyance or nuisance to the neighborhood.
- d. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Nor shall any of the above be kept on any lot except in sanitary containers.
- e. No animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purpose, and in accordance with the applicable ordinances.
- f. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising the property for sale or rent, unless approved by the Architectural Control Committee in writing.
- g. All property shall be maintained free of tall grass, undergrowth, dead trees, weeds and trash, and generally free of any condition that would decrease the attractiveness of the property.
- h. No trailer having a height of five feet or more shall be parked over 12 hours in any one week on any property or driveway so as to be visible from the street. No motor vehicle shall be parked over 12 hours in any one week on any property without having a current Virginia State license tag, unless such vehicle is parked in an enclosed garage.
- i. The exterior of all houses and other structures must be completed within one year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities. Houses may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction, the owner of the parcel shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.
- j. An Architectural Control Committee (herein called "Committee") originally composed of Francis Beers and Craig Lane is hereby established. The Committee together with the written consent of the property owners may amend, modify, or waive, in writing any of the restrictions. The members of the Committee shall receive no compensation. At any time, the then recorded owners of eighty percent of the property shall have the power through a duly recorded written instrument to change membership of the Committee or to withdraw from the membership of the Committee or to restore any of its powers and duties.
- k. No improvement shall be erected, placed or altered on any lot until the construction plan thereof, and a plan showing the location of the said

improvements shall be submitted to and approved by the Architectural Control Committee. No construction on said improvements shall commence until the said plans and location of said improvements shall have been approved by the Committee in writing. The Committee reserves the right to request such information and data; such as, quality of workmanship and materials, type of construction, harmony, of exterior design with existing structures and location with respect to topography and finished grade elevation, as may be necessary to make said determination. Prior to the commencement of any improvements, written approval may be withdrawn at any time by the Committee by giving written notice to said party of its withdrawal of said approval. The Committee approval as required above shall be in writing and, in the absence of such written approval, construction plans and location plans shall be considered as disapproved. The building location on all lots shall be within the applicable county zoning ordinance, and at the discretion of the Committee.

- l. Approval by the Committee shall not constitute a basis for liability of the member or members of the Committee, the Committee or the owner for any reason including without limitation; (i) failure of the plans to conform to any applicable building code; or (ii) inadequacy or deficiency in the plans resulting in defects in the improvements.
- m. The gross floor area of any single-family residence erected on any of the lots shall not be less than 1,800 square feet for a single-story residence, not less than 2,000 square feet for any one and one-half story or two story residence. Attached covered porches, covered stoops, breezeways, and garages shall not be included in computing said square footage.
- n. The foundation of all single-family residences on any lot shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer and openings shall be covered with lattice.
- o. All single-family residences shall conform to a Colonial or Traditional Architectural style. No prefabricated single-family residences shall be erected on any lot.
- p. No fences shall be permitted between the single-family residences and the street line. Split-rail fences or other wooden fences may be built between the rear of the house and the rear lot line. The split-rail fence may be backed with wire to provide animal retention.
- q. Easements for installation and maintenance of utilities and drainage are reserved as shown on the said subdivision plat.
- r. Except as otherwise provided by applicable law and unless approved by the Committee, no antenna, aerial, or device shall be erected or placed on any property, house, or garage, or other outbuilding other than the normal antennas, aerial or device necessary to facilitate the reception of television signals, and/or radio signals, normally incident to the radio and television receivers normally used

in the home. Satellite dish type television antennas are specifically prohibited unless specifically approved in writing by the Committee or unless permitted by applicable law.

- s. Each and every covenant, condition, and easement herein imposed may be enforced by the undersigned or by the owner of any lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same.
- t. Manufactured Homes shall not be permitted. (P)

Mr. Gecker stated as a matter of proper procedure he felt there should be a presentation by staff and the applicant for the public's benefit since there was opposition present.

Mr. Bass withdrew his motion. Mr. Wilson withdrew his second.

Since there was opposition present, it was the consensus of the Commission to place Case 05SN0214 with those cases requiring discussion.

05SN0247: In Clover Hill Magisterial District, **ECK ENTERPRISES, INC.** requested amendment to Conditional Use Planned Development (Case 83S024) and amendment of zoning district map relative to outside storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Light Industrial (I-1) District on 2.2 acres and is known as 801 Johnston Willis Drive. Tax ID 746-708-4321 (Sheet 6).

Mr. Bruce Boykin, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0247, subject to the following condition:

CONDITION

Outside storage shall be permitted. (P)

(Note: This condition supersedes Condition 15 of Case 83S024 for the request property only. All other conditions of approval for Case 83S024 remain in effect.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0248: In Dale Magisterial District, **CAROL Y. LANE** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 units per acre. This request lies on 0.4 acre and is known as 6228 Thierry Court. Tax ID 770-679-8498 (Sheet 17).

Ms. Carol Y. Lane, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0248, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Carol Y. Lane, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0253: In Bermuda Magisterial District, **TRUSTEES OF THE COLONIAL HEIGHTS BAPTIST CHURCH** requested rezoning and amendment of zoning district map from Agricultural (A), Community Business (C-3) and General Business (C-5) to Regional Business (C-4) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies on 37.9 acres fronting approximately 2,000 feet on the north line of Arrowfield Road; also fronting approximately 640 feet on the east line of Jefferson Davis Highway and located in the northeast quadrant of the intersection of these roads. Tax IDs 799-629-8706 and 8735; 800-628-7899-00001 and 00002; and 800-629-1355-00001 and 00002 (Sheet 41).

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0253, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

The Textual Statement revised June 20, 2005 shall be considered the Master Plan. (P)

PROFFERED CONDITIONS

The applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors and assigns, proffer that the

property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted and only with those conditions agreed to by applicant. In the event this request is denied or approved with conditions not agreed to by the applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Uses. The only uses permitted on the Property shall be churches and related accessory uses, private schools and related accessory uses, and recreational facilities related to the church and private school uses. (P)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Public Water and Sewer. The public water and wastewater systems shall be used. (U)
4. Transportation.
 - a. Prior to any site plan approval, sixty (60) feet of right of way on the east side of Jefferson Davis Highway, measured from the centerline of that part of Jefferson Davis Highway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - b. Direct access from the property to Jefferson Davis Highway shall be limited to one (1) entrance/exit that aligns with Harrowgate Road. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded from Jefferson Davis Highway to the northern property line to provide shared use of this access.
 - c. The developer shall be responsible for the following improvements:
 - i. construction of additional pavement along Jefferson Davis Highway to provide a separate right turn lane at the approved site access;
 - ii. construction of additional pavement along Jefferson Davis Highway to provide a southbound left turn lane at the approved site access;
 - iii. modification of the existing traffic signal at the intersection of Harrowgate Road and Jefferson Davis Highway; and
 - iv. dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right of way (or easements) required for the improvements identified above.
 - d. There shall be no direct access from the property to Arrowfield Road until the following improvements have been completed:

- i. construction of additional pavement along Jefferson Davis Highway at the Arrowfield Road intersection to provide right and left turn lanes, based on Transportation Department standards; and
- ii. reconstruction of Arrowfield Road from Jefferson Davis Highway to the site access, as determined by the Transportation Department.

Prior to any site plan approval, thirty (30) feet of right of way on the north side of Arrowfield Road, measured from the centerline of that part of Arrowfield Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

- e. Prior to any site plan approval, a phasing plan for the improvements identified in Proffered Conditions 5.c. and 5.d. must be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0313: In Dale Magisterial District, **THE CHESTERFIELD COUNTY PLANNING COMMISSION** requested amendment to Conditional Use Planned Development (Case 84SN0082) and amendment of zoning district map to allow exceptions to requirements relative to street frontage and access for townhouses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Residential (R-12) District on 12.3 acres fronting approximately 760 feet on the south line of Chesterfield Meadows Drive, also fronting approximately 600 feet on the west line of Old Wrexham Road and located in the southwest quadrant of the intersection of these roads. Tax ID 774-660-6611 (Sheet 25).

Mr. Tom Jacobson, the applicant's representative, accepted staff's recommendation.

When asked, one (1) individual indicated he wished to address the request.

Since there was opposition present, it was the consensus of the Commission to place Case 05SN0313 with those cases requiring discussion.

05SN0188:* In Clover Hill Magisterial District, **ATLANTIC HOMES LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential Townhouse (R-TH) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to eight (8) units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 32.9 acres fronting approximately 2,300 feet on the east line and approximately 500 feet on the west line of Pocoshock Boulevard; also fronting in three (3) places, for a total of approximately 450 feet, on the south line of Elkhardt Road and located in the southeast and southwest quadrants of the intersection of these roads. Tax ID 762-700-4422 (Sheet 7).

Ms. Gloria Freye, the applicant/applicant's representative, accepted staff's recommendation.

When asked, several individuals indicated they wished to address the request.

Since there was opposition present, it was the consensus of the Commission to place Case 05SN0188 with those cases requiring discussion.

◆ **CODE AMENDMENTS.**

◆ **NUMBER OF BUILDING PERMITS ISSUED PRIOR TO ACCEPTANCE OF STREETS INTO THE STATE SYSTEM.**

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An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 17-73 of the Subdivision Ordinance. This amendment will provide the option for a subdivider to increase to 100% the number of building permits which may be issued prior to the acceptance of the streets into the State system for maintenance if the subdivider is willing to both provide a surety at an amount equal to 125% of the costs of the improvements and waive its rights under Va. Code § 15.2-2241 and § 17-73(b) to partial releases of the surety and instead be granted by contract only one partial release of its surety.

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Mr. McElfish presented an overview of the proposed Code Amendment and staff's recommendation.

Mr. Gecker suggested amended language to subparagraph 4 of the second paragraph to reflect that "A subdivider that initially provides surety in an amount equal to 125% of the cost of all the improvements shown on the approved construction plans shall be eligible to have a 100% of the building permits in a residential or residential townhouse subdivision released prior to the streets having been completed and accepted into the State System.

Mr. McElfish indicated the amended language was acceptable.

No one came forward to speak in favor of, or in opposition to, the proposed Code Amendment.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 17-73 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

Sec. 17-73. Installation of improvements and bonding.

(a) Prior to record plat approval, after all other required approvals are obtained, all improvements shown on the approved construction plans shall be completed to the satisfaction of the directors of environmental engineering and utilities, at the expense of the subdivider. In lieu of actual completion of the required improvements, the subdivider may record a plat by furnishing to the director of environmental engineering surety in the form approved by the county attorney's office consisting of:

- (1) A certified check;
- (2) Cash escrow;
- (3) A surety bond; or
- (4) A bank's letter of credit.

The amount of the surety shall be sufficient to cover the costs and guarantee the installation and completion of all required improvements. The surety amount shall be approved by the director of environmental engineering based upon unit prices for new construction in the county. The surety may also include a reasonable allowance for estimated administrative costs, inflation and potential damage to existing streets or utilities which shall not exceed 25 percent of the estimated construction costs. If the subdivider proceeds by this method, the subdivider shall install and complete the required improvements to the satisfaction of the director of environmental engineering subject to the following conditions:

- (1) The streets shall be accepted into the state system not more than two years after the date of plat recordation.
- (2) No more than 60 percent of the building permits in any recorded section of a residential or residential townhouse subdivision shall be issued until the paving requirements in that section have been completed.
- (3) ~~No~~ Except as provided in subparagraph (4) below, no more than 90 percent of the building permits in any section of a residential or residential townhouse subdivision shall be issued until the streets have been constructed to state standards and accepted into the state system as applicable.
- (4) A subdivider that initially provides surety in an amount equal to 125% of the cost of all the improvements shown on the approved construction plans shall be eligible to have 100% of the building permits in a residential or residential townhouse subdivision released prior to the streets having been completed and accepted into the State System. In addition, the subdivider must waive, by contract, its right to partial releases of the surety as provided under subparagraph (b) of this section and Va. Code § 15.2-2241; instead, the subdivider will be entitled to only one partial release of not more than 40% of its surety available once 90 percent of the building permits in any section have been issued.
- ~~(4)(5)~~ An extension may be approved by the director of environmental engineering to condition three ~~directly above~~.

(b) Surety reductions, as approved by the director of environmental engineering may be made in a cumulative amount of not more than 90 percent of the total cost of satisfactorily completed required improvements. Surety reductions based upon the percentage of improvements completed may not occur before the completion of at least 30 percent of the improvements.

The director of environmental engineering shall not execute more than three surety reductions in any 12-month period per bonded subdivision section.

Upon final completion and acceptance of said improvements in residential or residential townhouse subdivisions with streets, the release of any remaining surety shall be subject to the requirements of

section 17-74. For the purpose of final release, the term "acceptance" shall be defined as the date of the meeting of the county's board of supervisors (board), at which the board is formally advised of the street acceptance by VDOT and assignment of the state route number(s).

Upon final completion and acceptance of said improvements in residential townhouse subdivisions, the release of any remaining surety shall be subject to requirements of section 17-74. For the purpose of final release the term "acceptance" shall be the date of the written notice to the subdivider of the completion of the required improvements to the satisfaction of the director of environmental engineering.

(2) *That this ordinance become effective immediately upon adoption.*

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CHESAPEAKE BAY PRESERVATION ACT.**

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An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-25, 19-232, 19-233, 19-236, and 19-301 relating to the Chesapeake Bay Preservation Act ("Act") requirements of the Zoning Ordinance. The amendments would: (1) provide for a fee to make an application to the Board of Supervisors under Section 19-235 seeking an exception to the Resource Protection Area ("RPA") regulations of 19-232; (2) clarify that the Director of Environmental Engineering must follow certain criteria in granting administrative exceptions to allow encroachments into RPA buffer areas; (3) clarify that apartments are not exempt from the requirements for the maintenance of Best Management Practice facilities ("BMPs"), except for the requirement for a surety bond, letter of credit or cash escrow for the BMPs; (4) clarify that agricultural uses must perform soil and water quality conservation assessments; (5) clarify that an administrative exception for the enlargement, extension, reconstruction, substitution or structural alteration of a non-conforming structure is available only for a principal structure, not an accessory structure; and (6) amend the definitions of "highly erodible soils" and "highly permeable soils" and add a definition of "public road" in order to conform definitions to State required regulations.

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Mr. Flanigan presented an overview of the proposed Code Amendment and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the proposal.

Mr. Litton closed the public hearing.

Mr. Gecker made a motion to recommend approval of the following Code Amendment. His motion was seconded by Mr. Gulley.

(1) *That Sections 19-25, 19-232, 19-233, 19-236, and 19-301 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

Sec. 19-25. Fees.

The following fees, which include the costs of hearings, advertisements and notices when required, shall be deposited simultaneously with the filing of the application:

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- (l) Modifications to development standards and requirements:
 - (1) Any request for R, R-TH, R-MF, MH or A uses . . . 300.00
 - (2) Any request for O, I or C uses . . . 240.00
- (m) Application to Board of Supervisors for RPA exception per 19-235(b)(2) . . . \$1,500.00
- ~~(m)~~ (n) Deferral/remand requests by the applicant, per request:
 - (1) Remand request to planning commission:
 - a. Any request for R, R-TH, R-MF, MH or A uses . . . 50 percent of original case fee

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Sec. 19-232. Resource protection area regulations.

In addition to the general performance criteria set forth in section 19-233, the criteria in this section are applicable in resource protection areas.

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- (d) Permitted encroachments into the RPA buffer area.
 - (1) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the RPA buffer area may be ~~allowed through an administrative process, permitted by the director of environmental engineering.~~ A written request shall identify the impact of the proposed exception on water quality, on public safety and on lands within the resource protection area through the completion of a water quality impact assessment that complies with section 19-232(e) and shall be in accordance with the following criteria:
 - a. Encroachments into the RPA buffer area shall be the minimum necessary to achieve a buildable area for a principal structure and necessary utilities.
 - b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the RPA buffer area encroachment, and is equal to the area of encroachment into the RPA buffer area shall be established elsewhere on the lot or parcel.
 - c. The encroachment may not extend into the seaward 50 feet of the RPA buffer area.
 - d. ~~A written request for an exception to this division's requirements shall be made to the director of environmental engineering. It shall identify the impact of the proposed exception on water quality, on public safety and on lands within the resource protection area through the completion of a water quality impact assessment that complies with section 19-232 (e).~~

- (2) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, encroachments into the RPA buffer area may be allowed through an administrative process in accordance with the following criteria:
- a. The lot or parcel was created as a result of a legal process conducted in conformity with the county's subdivision ordinance;
 - b. Conditions or mitigation measures imposed through a previously approved exception shall be met;
 - c. If the use of a Best Management Practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required;
 - d. The requirements of section 19-232(d)(1) shall be met.
- (3) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel created as the result of bankruptcy, condemnation or threat of condemnation, judicial partition or judicial action relating to a decedent's estate, encroachments into the RPA buffer area may be allowed through an administrative process in accordance with the requirements of 19-232(d)(2)(b), (c) and (d).

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Sec. 19-233. General performance criteria.

Any use, development or redevelopment of land within a Chesapeake Bay preservation area shall meet the following performance criteria:

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- (g) Where the best management practices utilized in a commercial development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a maintenance/easement agreement, commercial surety bond, bank letter of credit or other assurance satisfactory to the director of environmental engineering. Where the best management practices utilized for a residential development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a commercial surety bond, bank letter of credit or cash escrow in an amount equal to \$100.00 for each dwelling unit in a residential development. The requirement for a surety bond, bank letter of credit or cash escrow excludes apartment developments outside the Swift Creek Reservoir Watershed. The form of any bond or letter of credit provided pursuant to this section shall be subject to approval by the county attorney.

- (h) Land on which agricultural activities are being conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Chesapeake Bay Preservation Act and this division. Except for the requirement for a soil and water quality conservation assessment, RMA performance criteria shall not apply to land used for agricultural purposes.

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Sec. 19-236. Nonconforming uses, vested rights and other exceptions.

- (1) In addition to the requirements of this chapter, no use which is nonconforming to the requirements of this division, in a Chesapeake Bay preservation area, shall be enlarged, extended, reconstructed, substituted or structurally altered unless the director of environmental engineering grants an exception pursuant to section 19-235, and also finds that:
 - (a) There will be no net increase in the nonpoint source pollution load; and
 - (b) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of chapter 8 and division 4 of article IV of this chapter.

This exception for non-conforming uses is not available for accessory structures.

- (2) This division shall not be construed to prevent the reconstruction of pre-existing structures within Chesapeake Bay Preservation Areas from occurring as a result of casualty loss unless otherwise restricted by applicable ordinance.
- (3) The provisions of this division shall not affect the vested rights of any landowner under existing law.
- (4) The provisions of this division shall not be construed to require or allow the taking of private property for public use without just compensation.

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Sec. 19-301. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

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Highly erodible soils: Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than 8. The erodibility index for any soil is defined as the product of the formula

RKLS/T, as defined by the "Flood Security Act (F.S.A.) Manual" of August 1988, as amended, in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service, where K is the soil susceptibility to water erosion in the surface layer, R is the rainfall and runoff, LS is the combined effects of slope length and steepness, and T is the soil loss tolerance.

Highly permeable soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soils having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July 1983, as amended, November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Natural Resources Conservation Service.

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Public road: A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by a local government in accordance with the standards of that local government. This definition applies only to Article IV, Division 4 (Chesapeake Bay Preservation Areas) of this chapter.

(2) *That this ordinance become effective immediately upon adoption.*

Mr. Wilson expressed concerns relative to the proposed modifications and requested the matter be deferred to the July 19, 2005, meeting to allow him an opportunity for further review/clarification.

Mr. Gecker withdrew his motion. Mr. Gulley withdrew his second.

Mr. Gecker made a substitute motion, seconded by Mr. Gulley, that the Commission close the public hearing and defer action on the proposed amendments to the Chesapeake Bay Preservation Act Ordinance to the July 19, 2005, Planning Commission meeting at 7:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Turner recalled Case 05SN0214, Bracken LLC.

♦ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SN0214: In Matoaca Magisterial District, **BRACKEN LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 107.5 acres fronting approximately 1,000 feet on the north line of Graves Road approximately 400 feet east of River Road; also

fronting approximately 2,300 feet on the east line of River Road approximately 150 feet north of Graves Road. Tax IDs 755-622-8744 and 9225; and 756-620-2777 (Sheet 40).

Ms. Orr presented an overview of the request and staff's recommendation.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, noting the applicant had held several meeting with staff, the Matoaca District Commissioner and others to address concerns regarding the request. He stated the request conformed to the area land use plan and the proffered conditions adequately addressed the impacts of the proposed development on capital facilities, citing planned improvements relative to public water, septic systems, density, sight distance, right of way, payment of full cash proffers, water quality and drainage, the location of the access, and notification of all adjacent property owners in conjunction with filing of the tentative subdivision approval process.

Mr. Litton opened the discussion for public comment.

Mr. Dennis Doyle, an adjacent property owner, reiterated his concerns relative to the ingress/egress planned for the proposed development being located directly across from his driveway, limited sight distance at the River Road/Graves Road intersection, increased traffic volumes generated by the proposed development and hazardous road conditions that could result in accidents.

Ms. Jackie Ferguson, an area resident, expressed concerns relative to the number of accidents that had occurred at the River Road/Graves Road intersection and inquired if a traffic study was being conducted.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Scherzer addressed the previously expressed concerns, noting the applicant had proffered to dedicate additional right of way along River and Graves Roads for road improvements; to provide turn lanes, as warranted, and the location of the access road to the subject property would be decided at the time of tentative subdivision review based on wetland studies, surveys and sight distance. He stated he understood the concerns of area residents, noting that the proposed development would be one of quality and part of the solution to some of the area road problems.

There was discussion relative to the level of service on area roads, access to the subject property, sight distance and other concerns.

Mr. Bass stated that although this project, in conjunction with other pending developments, would increase traffic volumes, he felt the monies offered for area road improvements would benefit, not adversely impact, area roads in the community.

In response to questions from Mr. Gecker, Mr. Scherzer stated he was amenable to modifying the language of Proffered Condition 5 relative to notification of adjacent property owners regarding tentative subdivision approval to provide adequate notice to citizens so they may invoke their appeal rights and to move the request from administrative review to Planning Commission review prior to the request being considered by the Board of Supervisors.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0214 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
2. The maximum density of this development shall not exceed fifty five (55) lots. (P)
3. Manufactured homes shall not be permitted. (P)
4. The minimum gross floor area for one story dwelling units shall be 1800 square feet and dwelling units with more than one story shall have a minimum gross floor area of 2000 square feet. (P)
5. The developer shall be responsible for notifying by registered, certified or first class mail, any immediate adjacent owners of the submission of any tentative subdivision plans for the development. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent. (P)
6. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
7. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
8. To minimize the effect by the development on the small offsite pond (TAX ID 758-620-3286), all impervious areas shall drain (to the maximum extent practical) away from the pond, as approved by the Department of Environmental Engineering. (EE)
9. Direct access from the property to River Road and to Graves Road shall be limited to one (1) public road onto each roadway. The exact location of these accesses shall be approved by the Transportation Department. (T)

10. The existing driveway that serves Tax ID #755-622-9225 shall be permitted to remain. This shall not preclude the ability for any improvements to or the relocation of said driveway. (T)
11. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the east side of River Road and thirty-five (35) feet of right-of-way along the north side of Graves Road, measured from the centerlines of that part of the roadways immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
12. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A. Construction of additional pavement along River Road at the approved access to provide a right and left turn lanes, if warranted, based on Transportation Department standards.
 - B. Construction of additional pavement along Graves Road at the approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - C. Widening/improving the east side of River Road and the north side of Graves Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - D. Clearing/grading in the southwestern corner of the property to provide adequate sight distance for drivers traveling northbound on River Road, as determined by the Transportation Department at time of construction plan review.
 - E. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 12, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
13. At a minimum the following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:

- a. No lots shall be used except for single-family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed three stories in height and one private garage.
- b. Only one residence shall be erected or placed on a single lot, and no lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
- c. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereof which may become an annoyance or nuisance to the neighborhood.
- d. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Nor shall any of the above be kept on any lot except in sanitary containers.
- e. No animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purpose, and in accordance with the applicable ordinances.
- f. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising the property for sale or rent, unless approved by the Architectural Control Committee in writing.
- g. All property shall be maintained free of tall grass, undergrowth, dead trees, weeds and trash, and generally free of any condition that would decrease the attractiveness of the property.
- h. No trailer having a height of five feet or more shall be parked over 12 hours in any one week on any property or driveway so as to be visible from the street. No motor vehicle shall be parked over 12 hours in any one week on any property without having a current Virginia State license tag, unless such vehicle is parked in an enclosed garage.
- i. The exterior of all houses and other structures must be completed within one year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities. Houses may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction, the owner of the parcel shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.

- j. An Architectural Control Committee (herein called "Committee") originally composed of Francis Beers and Craig Lane is hereby established. The Committee together with the written consent of the property owners may amend, modify, or waive, in writing any of the restrictions. The members of the Committee shall receive no compensation. At any time, the then recorded owners of eighty percent of the property shall have the power through a duly recorded written instrument to change membership of the Committee or to withdraw from the membership of the Committee or to restore any of its powers and duties.
- k. No improvement shall be erected, placed or altered on any lot until the construction plan thereof, and a plan showing the location of the said improvements shall be submitted to and approved by the Architectural Control Committee. No construction on said improvements shall commence until the said plans and location of said improvements shall have been approved by the Committee in writing. The Committee reserves the right to request such information and data; such as, quality of workmanship and materials, type of construction, harmony, of exterior design with existing structures and location with respect to topography and finished grade elevation, as may be necessary to make said determination. Prior to the commencement of any improvements, written approval may be withdrawn at any time by the Committee by giving written notice to said party of its withdrawal of said approval. The Committee approval as required above shall be in writing and, in the absence of such written approval, construction plans and location plans shall be considered as disapproved. The building location on all lots shall be within the applicable county zoning ordinance, and at the discretion of the Committee.
- l. Approval by the Committee shall not constitute a basis for liability of the member or members of the Committee, the Committee or the owner for any reason including without limitation; (i) failure of the plans to conform to any applicable building code; or (ii) inadequacy or deficiency in the plans resulting in defects in the improvements.
- m. The gross floor area of any single-family residence erected on any of the lots shall not be less than 1,800 square feet for a single-story residence, not less than 2,000 square feet for any one and one-half story or two story residence. Attached covered porches, covered stoops, breezeways, and garages shall not be included in computing said square footage.
- n. The foundation of all single-family residences on any lot shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer and openings shall be covered with lattice.
- o. All single-family residences shall conform to a Colonial or Traditional Architectural style. No prefabricated single-family residences shall be erected on any lot.
- p. No fences shall be permitted between the single-family residences and the street line. Split-rail fences or other wooden fences may be built between the rear of the

house and the rear lot line. The split-rail fence may be backed with wire to provide animal retention.

- q. Easements for installation and maintenance of utilities and drainage are reserved as shown on the said subdivision plat.
- r. Except as otherwise provided by applicable law and unless approved by the Committee, no antenna, aerial, or device shall be erected or placed on any property, house, or garage, or other outbuilding other than the normal antennas, aerial or device necessary to facilitate the reception of television signals, and/or radio signals, normally incident to the radio and television receivers normally used in the home. Satellite dish type television antennas are specifically prohibited unless specifically approved in writing by the Committee or unless permitted by applicable law.
- s. Each and every covenant, condition, and easement herein imposed may be enforced by the undersigned or by the owner of any lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same.
- t. Manufactured Homes shall not be permitted. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Turner recalled Case 05SN0313, The Chesterfield County Planning Commission.

05SN0313: In Dale Magisterial District, **THE CHESTERFIELD COUNTY PLANNING COMMISSION** requested amendment to Conditional Use Planned Development (Case 84SN0082) and amendment of zoning district map to allow exceptions to requirements relative to street frontage and access for townhouses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Residential (R-12) District on 12.3 acres fronting approximately 760 feet on the south line of Chesterfield Meadows Drive, also fronting approximately 600 feet on the west line of Old Wrexham Road and located in the southwest quadrant of the intersection of these roads. Tax ID 774-660-6611 (Sheet 25).

Ms. Orr presented an overview of the request and staff's recommendation.

Mr. Tom Jacobson, the applicant's representative, accepted staff's recommendation, noting he met with area residents and although they understood the narrowness of the issue before the Commission, several still wished to address the request.

Mr. Litton opened the discussion for public comment.

Mr. Crawford Cobbs, a resident of Old Wrexham Road, expressed concerns relative to the connection of Old Wrexham Road to the proposed development which he stated would split the neighborhood and hinder residents' ability to enter/exit area streets.

Mr. Jeff Collins, speaking on behalf of the property owner, stated he wished to point out there would be a point of access opposite the side street connecting to Old Wrexham Road and an entrance opposite Memory Road but would not be State maintained roads.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0313, subject to the following condition:

CONDITION

With the approval of this request, Textual Statement III. Tract C. 4.b. shall be deleted.

(Note: All other conditions of Case 84S082, as amended, shall remain in force and effect.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Turner recalled Case 05SN0188, Atlantic Homes LLC.

05SN0188:* In Clover Hill Magisterial District, **ATLANTIC HOMES LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential Townhouse (R-TH) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to eight (8) units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 32.9 acres fronting approximately 2,300 feet on the east line and approximately 500 feet on the west line of Pocoshock Boulevard; also fronting in three (3) places, for a total of approximately 450 feet, on the south line of Elkhardt Road and located in the southeast and southwest quadrants of the intersection of these roads. Tax ID 762-700-4422 (Sheet 7).

Ms. Peterson presented an overview of the request and staff's recommendation, noting a revised Textual Statement was submitted addressing previous concerns relative to the possibility of removal of area vegetation by individual lot owners as well as potential neglect in maintenance.

Ms. Gloria Freye, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Messrs. Jim Ligon and Steven Sears, residents of Chevelle Drive and Ms. Nayota Gusler, representing the Forestdale Civic Association, voiced support for no road connection to Amber Heights and Forestdale Subdivisions, given the potential for increased and/or cut-through traffic, differences in density and size of the proposed dwellings, area road improvements and impacts on area drainfields.

There being no one else to speak, Mr. Litton closed the public comment.

Messrs. McElfish, McCracken and Hall answered questions relative to the impact of the proposed development on drainage, area road network and street connections to Amber Heights Subdivision.

Mr. Gulley indicated street connections to Amber Heights would exacerbate existing drainage problems experienced by the neighborhoods, due to inadequate drainage ditches and culverts along Chevelle Drive and the lower elevation of these properties in relation to the subject property and for this reason, he could support waiving the "Connectivity Policy."

Mr. Litton indicated he would support a waiver to the "Connectivity Policy" based upon the project being age-restricted.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0188, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

The Textual Statement revised June 15, 2005, shall be considered the Master Plan. (P)

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax Identification Number 762-700-4422 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-TH with a Conditional Use Planned Development ("CUPD") is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Utilities. Public water and wastewater systems shall be used. (U)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Drainage. The drainage system shall be designed in a manner that water shall be retained onsite and released at such a rate that:
 - a. the manmade conveyance channels to Chevelle Drive are capable of containing a 10-year storm;
 - b. the existing culverts beneath Chevelle Drive shall function in compliance with the current VDOT criteria for culverts under secondary roads;
 - c. the 100-year storm shall not come within twenty-five (25) feet of any existing home located along Chevelle Drive; and

d. no impervious areas shall sheet flow through Amber Heights. (EE)

4. Cash Proffer.

The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for each dwelling unit for infrastructure improvements within the service district for the property:

a. \$5,991 per dwelling unit if paid prior to July 1, 2005, or the amount approved by the Board of Supervisors, but not to exceed \$5,991 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. At the time of payment, the \$5,991 will be allocated pro-rata among the facility costs as follows: \$786 for parks and recreation, \$402 for library facilities, \$4,380 for roads, and \$423 for fire stations. Payments in excess of \$5,991 shall be prorated as set forth above.

b. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

5. Age Restriction. Dwelling units shall meet the occupancy requirements for "age 55 and over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et. seq. as amended by the Fair Housing Amendments Act of 1988 and of 24 CFR Section 100.304 in effect as of the date of the rezoning and which are subject to the occupancy requirements that no person under 19 shall reside in each unit. (B&M)

6. Density. The maximum number of dwelling units shall be 128. (P)

7. Dwelling Size. The dwelling units shall have a minimum gross floor area of 1,600 square feet. (P)

8. Garages. Initially, a two (2) car garage containing a minimum gross floor area of 380 square feet shall be provided for each house. All garages shall be rear loaded from alleys. (P)

9. Building Materials. The houses and the clubhouse shall be constructed with brick, stone, hardiplank or vinyl siding. (P)

10. Buffers. All buffers shall be located within recorded open space. (P)

11. Open Space, Recreation Areas and Focal Point. Open space shall be provided throughout the project. Further, the 1.2± acre area on the west side of Pocoshock Boulevard adjacent to Tax ID 764-700-4599 shall be recorded as open space. Open space and recreational areas shall be developed with a clubhouse, park areas and trails, "hardscaping" and other

amenities for use by the residents. A minimum of 2.5 acres of open space shall serve as a focal point and gathering place for the residents. The focal point area shall include, but not be limited to, a clubhouse facility containing a minimum of 3,000 gross square feet and a BMP lake. The clubhouse shall be developed concurrent with the first phase of residential development.

12. Children's Play Facilities. Playground equipment, play fields or other facilities designed for children's play shall not be permitted in the common open spaces. Adult facilities including, but not limited to, swimming pools, putting greens or shuffleboard may be permitted. (P)
13. Driveways. All driveways shall be hardscaped. The exact treatment of driveways shall be approved at the time of tentative subdivision plan review. (P)
14. Alleys. Private alleys shall be provided for access to the rear of each dwelling unit. All alleys shall be hardscaped. The exact treatment shall be approved at the time of tentative subdivision plan review. (P)
15. Sidewalks. Sidewalks shall be provided along the side of public roads which have dwelling units fronting the road. (P)
16. Street Trees. Street trees shall be provided along both sides of all public roads internal to the development. (P)
17. Pocoshock Boulevard Improvements. To provide an adequate roadway system at the time of completed development, the Developer shall be responsible for the following:
 - a. Construction of additional pavement along the Property frontage adjacent to Pocoshock Boulevard at the approved accesses to provide left and right turn lanes, if warranted, based on Transportation Department standards;
 - b. Measuring from the centerline of the existing pavement, widening/improving Pocoshock Boulevard to an eleven (11) foot wide travel lane, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder with modifications approved by the Transportation Department in the following locations:
 - (1) where the Property abuts both sides of Pocoshock Boulevard, improving both sides of Pocoshock Boulevard, and
 - (2) where the Property abuts only the east side of Pocoshock Boulevard, improving the east side of Pocoshock Boulevard;
 - c. Overlaying the entire width of the paved portion of Pocoshock Boulevard adjacent to the Property with one and one-half (1.5) inch of compacted bituminous asphalt concrete with modifications approved by the Transportation Department; and

- d. Dedication to Chesterfield County, free and unrestricted, any additional right of way (or easements) required for the improvements identified in this Proffered Condition. (T)
18. Right of Way Dedication. The following rights-of-way on the Property shall be dedicated, free and unrestricted, to Chesterfield County in conjunction with recordation of the initial subdivision plat:
- a. Where the Property abuts both sides of Pocoshock Boulevard, thirty-five (35) feet of right-of-way on both sides of Pocoshock Boulevard measured from the centerline;
- b. Where the Property abuts only the east side of Pocoshock Boulevard, thirty-five (35) feet of right-of-way on the east side of Pocoshock Boulevard measured from the centerline; and
- c. Thirty-five (35) feet of right-of-way on the south side of Elkhardt Road measured from the centerline of that part of Elkhardt Road immediately adjacent to the Property frontage. (T)
19. Public Streets. All streets that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (P)
20. Access. There shall be no access or road connection from the Property to Lily Drive or Cheltenham Drive. No direct access shall be provided from the Property to Elkhardt Road. Direct access from the Property to Pocoshock Boulevard shall be limited to two (2) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T & P)
21. Stormwater Management/Best Management Practice (BMP) Basin. The stormwater management/BMP basin shall be designed with a fountain and a sidewalk, path or trail around it. (EE)
22. Restrictive Covenants. Prior to or concurrent with the recordation of any subdivision plat for the Property, there shall be recorded a document in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia setting forth at a minimum the following restrictive covenants:
- Lampposts. A lamppost a maximum of twelve (12) feet in height and of a uniform design and uniformly located shall be provided in each front yard.
 - Recreational Vehicle Storage. Recreational vehicles, including but not limited to, boats, travel trailers, and campers, shall not be stored on the Property.
 - Fences. No fences shall be permitted in the front yard. Fencing shall not be located any closer to the front yard than two (2) feet from the front of the residential unit. Privacy fences shall be restricted to rear and side yard locations,

a maximum of six (6) feet in height, and constructed of white vinyl. No stockade fences shall be permitted.

- Accessory Buildings. No accessory buildings shall be erected, placed, or permitted on the Property.
- Nuisance Activity. No noxious or offensive activity shall be conducted or permitted by any resident, which may be, or become, an annoyance or nuisance to the neighborhood.
- Temporary Structures. No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or permanently. Any dwelling to be constructed on the Property shall be completed within one (1) year from the issue date of its building permit.
- Commercial Trucks. No commercial trucks defined as having more than two axles and weighing greater than 4,000 pounds shall be parked overnight on the Property, except while loading or unloading.
- Skateboard Platforms/Basketball Hoops. Skateboard platforms and basketball hoops are not allowed on the Property.
- Antennae. Except as otherwise provided by applicable law, no television antenna, radio receiver or sender, satellite dish, or other similar device shall be attached to or installed on the exterior portion of any building or structure or any lot except that should cable television services be unavailable and good television reception not be otherwise available, a lot owner may make written application to the Association for permission to install such a device and such permission shall not be unreasonably withheld.
- Signs. No sign of any kind shall be displayed to the public view on any yard except one professional sign of not more than five square feet advertising the property for sale, and one sign of not more than five square feet by a builder to advertise the property during the construction and sales period.
- Animals. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purposes.
- Trash. No part of the Property shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste after the construction work is completed. No rubbish, trash, garbage, and other waste shall be kept by any unit except in sanitary containers, and all equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No central dumpsters shall be permitted on the Property. Individual trash receptacles shall be stored in a manner such that they are screened from view of any public street.

- Laundry Facilities. All dwelling units shall have washer and dryer hookups.
- Propane Tanks. No propane tanks, except for those used with outside grills, shall be permitted on the Property.
- Roofs. Roof materials shall have a minimum twenty-five (25) year warranty and be of a dimensional style or design. No cedar shakes shall be permitted.
- Dog Houses. Dog houses shall not be visible from any public street.
- Mailboxes/Posts. Mailboxes and Posts shall be of a uniform style and color and be numbered.
- Porches. Wood shall not be permitted for the posts or railings on front porches.
- Landscaping. The entrances and buffer along Pocoshock Boulevard shall incorporate dogwood and crepe myrtle trees.
- Lighting. Security lighting shall be provided for the common areas and shall be directed downward and into the Property.
- Gutters. Gutters shall be provided for each dwelling unit.
- Lawn Ornaments. Lawn ornaments and statuary shall not be visible from any public street.
- Windows. Double paned insulated vinyl windows or another material of equal or greater quality and durability approved by the Architectural Committee shall be used in each dwelling unit.
- Gas Utility. Each dwelling unit shall be constructed with gas utilities.
- Accessibility. Optional features for dwelling units shall include doorways a minimum of 3' in width, electrical outlets located 24" from the floor and bathrooms that can accommodate grab bars.
- Flooring. Linoleum shall not be permitted as a floor covering in foyers.
- Alleys. The alleys shall be privately owned and maintained by the Homeowners Association as common areas.
- Portable Storage. The use of portable storage containers such as "PODS" or "Smart Boxes" must be approved by the Architectural Review Committee and restricted to a limited period of time.

- Enforceability. Each and every covenant and condition imposed by the restrictive covenants may be enforced by the declarant or by the owner of any unit by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and to recover damages therefore.
- Binding Nature. The covenants and conditions shall run with the land and shall be binding upon the subsequent owner or owners of all or any unit and each and every portion of the land shown on the plat and all parties claiming through or under such owner or owners.
- Architectural Review Committee. An architectural review committee shall be established to review and approve plans and specifications for structures to be erected or maintained on the Property, including but not limited to, buildings, fences and walls and to review and approve any exterior addition, change or alteration to such structures. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend waiving of the "Connectivity Policy" for Case 05SN0188.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SR0175:* In Dale Magisterial District, **GEORGE CLARKE, JR. AND BARBARA CLARKE** requested renewal of Conditional Use (Case 97AR0183) and amendment of zoning district map to permit a business (fuel oil business and dump truck service) operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies in a Residential (R-7) District on 7.0 acres fronting approximately 320 feet on the east line of Flagler Road approximately 450 feet south of Wannee Way, also fronting approximately 1,050 feet on the west line of Conifer Road approximately 450 feet south of Bellbrook Drive. Tax IDs 784-676-0576, 0749 and 2573 (Sheet 18).

Ms. Peterson presented an overview of the request and staff's recommendation.

Mr. Leonard Paris, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Mr. Steve Smith, President of the Fuqua Farms Civic Association, voiced opposition to the request, citing concerns relative to the inappropriateness of the use in a residential area; the potential devaluation of area properties and quality of life; the establishment of a precedent for similar requests to operate businesses from the home in a residential area; the potential for, and adverse impact of, increased odors, noises of trucks, blight and increased traffic. He suggested the applicant should move to a commercially zoned area and that the quality of life in their residential area be preserved.

There being no one else to speak, Mr. Litton closed the public comment.

In response to questions from the Commission, staff indicated there had been no previous complaints relative to the operation of the business.

Mr. Litton stated if the request had been new, he would not have supported it; however, since the request was a renewal and there had been no previous complaints, he felt a recommendation for approval was appropriate.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SR0175 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for George W. Clarke, Jr., exclusively, and shall not be transferable nor run with the land. (P)
2. This Conditional Use shall be limited to the operation of a fuel oil business and a dump truck service. A maximum of three dump trucks and three fuel oil trucks used in conjunction with this operation shall be parked on the site. On-site parking for employees shall also be permitted. (P)
3. Parking areas associated with this operation shall be located on Tax ID 784-676-0749. Parking areas and driveways shall be paved within sixty (60) days of the approval of the plan referenced in Condition 12.a. (P)
4. A maximum of one (1) employee shall be permitted other than family member employees that live on the property. (P)
5. No clients shall be permitted on the property. (P)
6. Hours of operation shall be limited to between 6:30 a.m. and 6:30 p.m., Monday through Saturday. No Sunday operation shall be permitted. (P)
7. Access to the property shall be limited to Conifer Road. (P)
8. No additions or exterior alterations shall be permitted to the exterior of the dwelling or accessory buildings to accommodate this use. (P)
9. A 100 foot buffer shall be established along the southern property boundary. This buffer shall comply with the requirements of the Ordinance for 100 foot buffers. (P)
10. Landscaping shall be installed to minimize the views of the truck parking area and garage from Conifer Road, Flagler Road and the northern property boundary. The exact species, number and spacing of plant material shall be reviewed and approved by the Planning Commission as outlined in Condition 12.b. (P)

11. A containment berm, a minimum of one (1) foot in height, shall be installed around the low side of the truck parking area to contain any oil runoff from these vehicles. The exact details and location of this berm installation shall be reviewed and approved by the Environmental Engineering Department as outlined in Condition 12.a. (P)
12. Within thirty (30) days of approval of this request, the applicant shall submit the following information:
 - a. A plan depicting the berm required by Condition 11, the buffer required by Condition 9 and the parking and driveway areas for review and approval by the Planning and Environmental Engineering Departments. In conjunction with this review, a phasing plan for the installation of the landscaping and berm improvements shall be reviewed and approved.
 - b. A plan depicting the landscaping requirement noted in Condition 10 and a phasing plan for the installation of these improvements for review and approval by the Planning Commission. (P&EE)
13. There shall be no signs to identify this use. (P)
14. Other than the vehicle parking outlined in Condition 2, there shall be no outside storage. (P)
15. Within sixty (60) days of the approval of this request, twenty-five (25) feet of right-of-way on the west side of Conifer Road, measured from the centerline of the part of Conifer Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0243: In Midlothian Magisterial District, **H. H. HUNT CORPORATION** requested amendment to Conditional Use Planned Development (Case 94SN0138) and amendment of zoning district map to permit a bank, office and child care center. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01 to 2.0 units per acre. This request lies in a Residential (R-9) District on 6.5 acres fronting approximately 600 feet on the north line of North Woolridge Road approximately 1,600 feet west of Charter Colony Parkway. Tax ID 723-705-Part of 8818 (Sheet 5).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the land uses did not conform to the Midlothian Area Community Plan and that Charter Colony's zoning included other tracts within the development that would accommodate the proposed uses. He referenced the Addendum, pointing out that on June 21, 2005, in response to concerns expressed by the Village of Midlothian Volunteer Coalition, the applicant submitted a revision to the Textual Statement relative to architectural style and the style and location of street lights which amendment would require private schools, child care centers, banks and offices to be similar in style and architecture to Sycamore Square Shopping Center or of American Colonial style and architecture. He stated, in addition, the amendment would require street lights along the Woolridge

Road right of way of a style, spacing and location similar to other street lights in the Village of Midlothian. He stated staff continued to recommend denial of this request; however, should the Commission wish to approve the request, the condition noted in the "Request Analysis" should be imposed.

Mr. Jim Theobald, the applicant's representative, did not accept staff's recommendation, citing changes in circumstances, which he outlined, that warranted approval of the request.

Mr. Litton opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, and Mr. Pepe Jones, a Midlothian resident and member of the Coalition, voiced support for the request, noting the applicant's commitment to the Village citizens to maintain the authenticity and vision of the Village of Midlothian.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0243, subject to the following condition:

CONDITION

The Textual Statement, dated June 21, 2005, shall be considered the Master Plan relative to permitted uses, architectural style and streetlights along Woolridge Road. (P)

(STAFF NOTE: This condition supersedes Textual Statement, OVERVIEW, A. and DETAILED TRACT CONDITIONS, Tract 1 and Tract 1, 2.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0254: In Matoaca Magisterial District, **STEVEN M. UPHOFF** requested Conditional Use and amendment of zoning district map to permit a two (2) family dwelling in a Residential (R-88) District. Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 2.6 acres and is known as 15642 Chesdin Landing Terrace. Tax ID 737-622-1579 (Sheet 39).

Mr. Steve Uphoff, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0254, subject to the following condition and acceptance of the following proffered condition:

CONDITION

Prior to release of a final certificate of occupancy, a deed restriction shall be recorded setting forth the limitations in Proffered Condition 1. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)

PROFFERED CONDITION

Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guest and any domestic servants. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 9:41 p. m. to July 19, 2005, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date